

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ROBERT LEE HARRIS, JR.,
Petitioner,

vs.

WARDEN, SOUTHERN OHIO
CORRECTIONAL FACILITY,
Respondent.

Case No. 1:12-cv-261

Spiegel, J.
Bowman, M.J.

ORDER

This pro se habeas corpus action filed pursuant to 28 U.S.C. § 2254 is before the Court on respondent's motion to strike petitioner's supplemental memorandum in opposition to the motion to dismiss. (Doc. 16). In a separate Report and Recommendation issued this date, the undersigned has recommended that petitioner's petition be transferred to the Sixth Circuit as a successive petition or, in the alternative, be dismissed on the ground that it is time-barred.

Petitioner's motion to strike (Doc. 16) is therefore **DENIED** as moot.

IT IS SO ORDERED.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge